Case	15-00682-LA13 Filed (	06/09/15 E	Entered 06	/09/15 16:15:07	Doc 41	Pg. 1 of 6
1 2 3 4 5 6 7 8	Law Offices of Recalifornia Bar No. 153. 185 West F Street, Suite San Diego, California Telephone: (619) 232-25 Facsimile: (619) 232-49 Attorney for: Westvale	596 = 100 92101 2330 916 : Capital, L	LC	NKRUPTCY C	OURT	
9						
10	SOUTHERN DISTRICT OF CALIFORNIA					
11	Ricardo Gavino Edna Gavino,			Case No.	15-00682	2-LA13
12	Debtors,			RS No. R	ΓL-1	
13	_ = ===================================			Reply to the Motion	Debtors'	Opposition to Relief from the
14	Westvale Capital, LLC and/or assigns,	C, its succe	essors )	Automati		
15 16	Movant			II		
17	v.			Hearing: Date: Jun Time: 10:	e 17, 201	15
18	Ricardo D. Gavino; E and, David L. Skelto	Edna C. Ga	ivino;	Dept: 2	oo a.m.	
19	Trustee	оп, Спари				
20	Respondents,		{			
21						
22				[Judge Lo	uise DeC	arl Adlerl
23				[Juuge LO	also DCC	
24						
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<ul><li>26</li><li>27</li></ul>						
28						
20			1			

<u>REPLY</u>

Movant, Westvale Capital, LLC, beneficiary of the second deed of trust on real property commonly known as 1424 Robles Drive, Chula Vista, CA 91911, ["Property"], by and through its counsel, Law Offices of Russel T. Little, apc hereby replies to the Debtors' Opposition to the Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. §362.

## SHORT SALE OF PROPERTY:

Movant's first and only knowledge of a possible short sale was when it received debtors' opposition to the motion for relief; and, debtors' statement that they "were confident" that their lender would "approve the offer and short sale," was and is pure speculation.

Movant has not and will not approve a short sale of the property. PPH Mortgage filed a proof of claim on June 8, 2015, [Court Claim No. 15], that states \$383,672.67 was owing as of the petition date; and, Movant's claim, [Court Claim No. 5], states that \$130,444.21 was owing as of the petition date. The amount owing, as of the petition date was \$514,116.88, and that amount is increasing because debtors are not making their post-petition monthly payments.

On June 9, 2015, Movant's servicing agent, [FCI Lender Services] received a 53-page, short-sale, package from Coldwell Bank West, requesting that Movant agree to a payoff of \$60-62,000.00. A true and correct copy of the cover letter is attached hereto as Exhibit "A" and incorporated by reference herein.

Again, Movant will not accept debtors' offer of short sale.

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## NO POST-PETITION PAYMENTS:

By their own admission, debtors have failed to make any post-petition payments on both the 1<sup>st</sup> [PPH Mortgage]; and, 2<sup>nd</sup> [Movant], deeds of trust. Debtors are still due for monthly payments due March 1, 2015 through June 1, 2015. The post-petition default for PPH Mortgage, [\$9,101.72] and Movant, [\$3,469.04], totals: \$12,570.76, see: form motion and Declaration of James Frace.

Movant requests that the stay be terminated as to the debtors and debtors' bankruptcy estate.

Dated: June 9, 2015 Respectfully,

/s/Russel T. Little RUSSEL T. LITTLE, Counsel for Movant

## **EXHIBIT "A"**



## Coldwell Banker West

Date:

June 5, 2015

Send To:

**FCI Lender Services** 

Attention:

Loss Mitigation Dept.

LOAN #:

399018837

Property Address: 1424 Robles Dr Chula Vista CA 91910

Subject:

SHORT PAY-OFF REQUEST

FAX#:

714-283-2247 / 714-282-2429

BORROWER/S #: Ricardo and Edna GAVINO

Number of Pages attached: 53

Please see attached short sale package requesting a short pay-off settlement in the amount of \$60-\$62k

Please confirm receipt

Sincerely,

Merrie M. Espina & Associates, Inc.

CNE, Vapra, CPRES, Shurt-Sule & Cert, Probaie Specialist Int'l Diomond Society, Int'l President's Circle CABRE Lie 801272457

Real Estate Broker / Notory Public

Cell (619) 274-6395



merrie.espina agmail.com

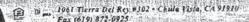
I OFFER THE FOLLOWING SERVICES:

- Home / Land Purchase & Listing

- Short Sale Transactions - Notary Public

- Probate transactions





/s/ Russel T. Little
RUSSEL T. LITTLE

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